

### REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-22 are currently being prosecuted. The Examiner is respectfully requested to reconsider his restriction requirement in view of the amendments and remarks as set forth hereinbelow.

### PATENT COOPERATION TREATY

At the outset, it is respectfully submitted that the present application entered into the national phase before the USPTO based on a PCT application. Thus, the rules that apply to the present application with regard to unity of invention are set forth in 37 CFR §§ 1.475 to 1.477.

As set forth in 37 CFR § 1.475(a), an international and a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. On May 11, 2001, when the present application was filed in the USPTO, the Examiner was provided with a copy of the International Preliminary Examination Report. In this report, the International Bureau maintained all of the claims in a single application based on the fact that the claims were so linked as to form a single general inventive concept.

It is respectfully submitted that the present application does include claims that are so linked as to form a single general inventive concept. The Examiner's contention that the claimed invention does not share any special technical feature not known in the art is not

believed to be tenable. Thus, claims 1-22 should be considered in a single application. The Examiner is respectfully requested to reconsider his restriction requirement.

### RESTRICTION REQUIREMENT

The Examiner has set forth a restriction requirement with regard to claims 1-22. The grouping of the claims is set forth as follows:

<u>GROUP</u>	<u>CLAIMS</u>	<u>SUBJECT MATTER</u>
I	1-16	Device for concentrating a plurality of samples
II	17-22	Method for concentrating a plurality of samples

Applicant has elected claims 1-16 for initial examination. It is also respectfully submitted that the restriction requirement is improper in view of the fact that no serious burden is presented to the Examiner to consider all of the claims in a single application.

As set forth in Section 803 of the MPEP, the Examiner must examine an application on the merits if the examination of the entire application can be made without serious burden. Two criteria are identified for proper requirement for restriction:

1. The inventions must be independent or distinct as claimed; and
2. There must be a serious burden on the Examiner if the restriction is not required.

Applicant respectfully submits that a serious burden has not been placed on the Examiner to consider all of the claims in a single application. A review of the subject matter

set forth in claims would have an overlapping search. Thus, a different field of search really does not exist with regard to the claims of the present application.

In order to be responsive to the Examiner's restriction requirement, claims 1-16 have been initially elected. The Examiner is respectfully requested to reconsider his restriction requirement and act on all of the claims in the present application. If the Examiner does persist in his restriction requirement, Applicant reserves the right to file a divisional application directed to the non-elected claim at a later date if he so desire.

#### INFORMATION DISCLOSURE STATEMENT

The Examiner is respectfully requested to consider the Information Disclosure Statements that were filed on August 6, 2001 and May 22, 2001. The Examiner should initial and return the forms PTO-1449 to the undersigned.

#### DRAWINGS

The Examiner has not approved the Formal Drawings submitted by the Applicants. It is respectfully submitted that the drawings comply with the requirements of the USPTO. If the Examiner has any objections to the Formal Drawings he is respectfully requested to contact the undersigned as soon as possible so that appropriate action may be taken. No further action is believed to be necessary at this time unless the undersigned receives a notice from the Examiner.

Favorable action on the present application is earnestly solicited.

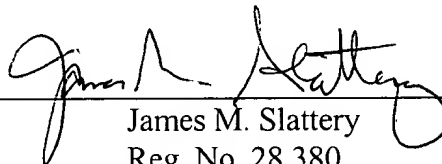
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Please charge any fees or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to  
Deposit Account No. 02-2448.

Respectfully submitted,

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